

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
MERCK EPROVA AG, et al.,

Plaintiffs,

- against -

PROTHERA, INC.,

Defendant.  
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USDC SDNY  
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08 Civ. 35 (RMB)

**ORDER OF DISCONTINUANCE**

Based upon the parties' settlement in principle at the conference held on November 23, 2010, it is hereby

**ORDERED**, that the conference scheduled for January 6, 2011 is vacated; and it is further

**ORDERED**, that the above-entitled action be, and the same hereby is, discontinued; provided, however, that the parties may apply, on or before January 6, 2011 (noon), by letter showing good cause why this action should be restored to the calendar of the undersigned.

Dated: New York, New York  
December 23, 2010



RICHARD M. BERMAN, U.S.D.J.